

North Little Rock Board of Adjustment

Minutes

March 25, 2010

The regular meeting of the North Little Rock Board of Adjustment was called to order by Chairman Carl Jackson at 1:31 P.M. in the Planning Office (Conference Room B).

Members Present

Mike Abele
Tom Brown
Andy Hight
Carl Jackson, Chairman

Members Absent

None

Staff Present

Robert Voyles, Planning Director
Wade Dunlap, City Planner
B. J. Jones, Secretary

Others Present

Rodger Greene, City Building Inspector
James Collias, 715 Parker
Brenda Collias, 715 Parker
Demetrius Collias, 715 Parker
Ty Born, 2510 Percy Machin
Roy Powers, 6001 Valerie Dr.

Approval of Minutes

Chairman Jackson called for approval of the minutes. Mr. Brown made a motion for approval with Mr. Hight seconding. The motion passed unanimously.

Old Business

None

New Business

1. **BOA CASE #1441** – Ms. Brenda Collias – 715 Parker St., legally defined as Lot 1, Block 7 Giles Addition; Requesting to allow an accessory building in the side yard with a 1 ft. setback from the rear property line, a variance of 4 ft. from the required 5 ft., and to allow a room addition to the home with a rear yard setback of 2 ft. from the rear property line, a variance of 23 ft. from the required 25 ft.

Chairman Jackson stated the case number, the applicant's name and swore in the Callias family.

Mr. Dunlap showed photographs of the property. He explained that the lots used to be platted running east and west but now they run north / south.

Mr. Abele asked what was to the east of the property.

Mr. Dunlap answered that the property to the east is vacant.

Mr. Voyles added that most surrounding properties are zoned C-6 and that in this particular case the east side of the property is the front yard.

Mr. Abele questioned setback requirements which Mr. Dunlap clarified.

Chairman Jackson asked if the lot was a fifty foot lot. He then asked the applicant to state a hardship.

Mr. Callias explained that because of the positioning on the lot of the home, there is not sufficient space for a room addition. He added that a growing grandson needs his own room and the home is in serious need of additional storage space. Mr. Callias noted that the request would allow two bedrooms to be added to the home, but the addition would not be seen from the street. He also noted that adjacent structures behind his property are scheduled to be demolished. Mr. Callias added that the request for the accessory building would allow for storage of tools and materials during construction of the room addition. He explained that the requested location used to have a shed on it, but the structure had rotted and been removed. The applicant's request is to replace the structure in the same location on an existing concrete slab that is left from the previous shed.

Chairman Jackson asked for clarification that the slab for the accessory building already exists.

Mr. Callias confirmed but noted that the requested structure would not be as large as the previous building.

Chairman Jackson asked again if the lot is a fifty foot lot.

Mr. Hight replied in the affirmative that the lot is fifty by one hundred seventy five feet.

Mr. Brown questioned why the lot had been turned from east to west to its current north / south direction.

Mr. Dunlap was not sure.

Mr. Voyles added that the change had probably occurred fifty or sixty years ago.

Mr. Brown questioned if the request would be necessary if the plat had not been changed.

Mr. Voyles replied in the negative.

After some additional discussion as to how staff knew the direction of the lot had been changed and if there was documentation of such, Mr. Abele asked for staff recommendations.

Mr. Dunlap replied that staff recommended approval of a variance for the room addition, but not for the accessory building.

Mr. Abele asked why no recommendation for the accessory building.

After some discussion of setback requirements, Mr. Dunlap explained that the house was in need of additional living space, but he believed the accessory building could be placed to meet setback requirements.

Mr. Brown asked the applicant if he would be willing to meet setback requirements for the accessory building.

Mr. Callias agreed that he is willing and asked for staff to direct him in placement of the structure.

Mr. Abele formed a motion to grant the applicant's request for a variance for the requested room addition.

Mr. Hight seconded the motion, which passed with a unanimous vote in the affirmative.

Mr. Brown formed a second motion in the case to allow an accessory building at least five feet from the property line.

Mr. Hight seconded the motion, which passed with a unanimous vote.

Mr. Voyles warned the applicant that the accessory building could not be placed in the front of the house.

2. **BOA CASE #1442** – Ms. Peggy Borel – 4601 Schaer St, legally described Lots 8 and 9, block 1, Holeads Addition; the request is to allow a 4 foot chain link fence around the perimeter of the property.

Chairman Jackson directed the Board's attention to a letter that had been received from the applicant explaining that there had been a death in the family, necessitating them leaving town. The applicant has requested to postpone the case due to the hardship.

Mr. Brown formed a motion to postpone the case to the following month's meeting.

Mr. Hight seconded the motion, which passed unanimously.

3. **BOA CASE # 1443** – Mr. Ty Born – 5812 Foxboro Drive, legally defined as Lots 93, 94 Foxboro Addition; Requesting to allow a rear yard retaining wall with a variance of 6 ft. above the allowed height. The total height including the required 3 ft. fence will be 14 ft. from the existing grade. The retaining wall will also require a variance in the side yard of 6 ft. above the maximum 3.5 ft. allowed.

Chairman Jackson stated the case number, the applicant's name and swore in the applicant.

Mr. Dunlap displayed video relating to the case.

Chairman Jackson noted that the video indicated that the wall had already been started.

Mr. Dunlap confirmed.

Mr. Voyles explained the different angles of the jobsite that had been photographed to clarify for the Board where the retaining wall would be built on the property. He noted that the building inspector had placed a stop work order on the job until this Board addressed the matter.

Chairman Jackson asked the applicant to state his hardship.

Mr. Born explained that the home is a split level plan. The design of the retaining wall is to level enough space to allow for entrance into the garage.

Mr. Voyles clarified that the hardship is the topography of the land. He added that the home is built on two lots.

Mr. Green, the City's building inspector, was in attendance at the meeting and noted that there is no parking allowed on the street in that area.

Chairman Jackson asked for staff recommendations.

Mr. Dunlap replied that the staff recommended approval of the applicant's request.

Chairman Jackson noted the additional request for a three foot fence atop the retaining wall.

Mr. Voyles explained that due to the height of the requested retaining wall, a fence would be required as a safety railing.

There was additional discussion regarding height requirements for retaining walls and required safety fencing.

The building inspector emphasized that the fence is a guard railing for safety.

Mr. Brown asked if a building permit was issued for the house and if a permit for a retaining wall was included.

Mr. Born replied that the retaining wall was not included in his building permit for the house, but that he had not been aware the retaining wall permit was separate.

Mr. Voyles asked for confirmation that the applicant would backfill the retaining wall and be certain that it could hold the weight it is intended to hold.

Mr. Born assured the Board that the wall would be strictly assessed by professionals. He noted that the concrete blocks are filled with rebar and concrete.

Mr. Voyles asked if the area was intended to be paved.

Mr. Born replied in the affirmative.

Mr. Hight formed a motion to grant the applicant's request for the retaining wall and emphasized that a three foot fence would be required along the top of the wall for safety.

Mr. Abele seconded the motion, which passed with a unanimous affirmative vote.

Administrative:

None

PUBLIC COMMENT/ADJOURNMENT:

Mr. Hight moved for the Board to adjourn at 2:02pm. There was no dissent.

PASSED: _____ RESPECTFULLY SUBMITTED:

CARL JACKSON, CHAIRMAN

ROBERT VOYLES, DIRECTOR